



State of Illinois

# ENVIRONMENTAL PROTECTION AGENCY

Barrett's Mobile Home Park  
ILDO 981 956 501 10011

F6

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/782-5544

August 19, 1993

Mr. Kenneth E. Bennett  
P.O. Box 3304  
Rockford, Illinois 61106

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: ENFORCEMENT NOTICE LETTER  
Barrett's Mobile Home Park  
Winnebago County  
Facility No. 2015235  
IEPA/ENF. No. 497-93

EPA Region 5 Records Ctr.



293157

Dear Mr. Bennett:

Agency records on your public water supply indicate violations of the Federal Safe Drinking Water Act ("SDWA"), 42 U.S.C. §§ 300f-300j-1 (1989), the Illinois Environmental Protection Act ("Act"), and regulations of the Illinois Pollution Control Board ("Board") for violations of the Maximum Contaminant Level ("MCL") for the volatile organic chemical, Trichloroethylene. The violations of the Act, the Board and the Agency regulations are set forth more specifically in Attachment A of this letter.

The Barrett's Mobile Home Park public water supply is required to meet the MCL for Trichloroethylene so as to be in compliance with both the SDWA, the Act, and Board regulations promulgated pursuant to them.

As a result of these violations, it is our intent to refer this matter to the Agency's legal staff for the preparation of a formal enforcement case. The Agency's legal staff will in turn refer this matter to the Illinois Attorney General's Office for appropriate enforcement action, or the case may be referred to and undertaken by the USEPA for enforcement at the federal level.

Prior to the Agency's legal staff referring this matter to the USEPA or the Illinois Attorney General's Office, the Agency will provide the Barrett's Mobile Home Park public water supply with an opportunity to meet with appropriate Agency personnel in an effort to resolve such conflicts which could otherwise lead to the referral. This meeting, if it is to be held, is required to be held within 21 days of your receipt of this Notice unless the Agency agrees to a postponement.

The purpose of the meeting will be to discuss the validity of the above-referenced violations and to obtain a signed Letter of Commitment from you to undertake a compliance program to eliminate the

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**ENFORCEMENT NOTICE LETTER**

**BARRET'S MHP**

Winnebago County

Facility No. 2015235

IEPA/ENF. No. 497-93

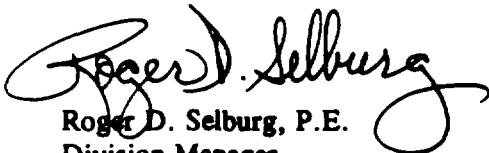
violations. Enclosed is a draft Letter of Commitment with such a proposed compliance plan. You should, therefore, bring such personnel and records to the meeting as will enable complete discussion of the violations and proposed Letter of Commitment. After the Letter of Commitment is signed and after your supply and the Agency reach a mutually agreeable technical compliance plan, the Agency may incorporate the plan into a proposed Illinois Pollution Control Board order for the Board's timely approval.

In addition, please be advised that this letter constitutes the notice required by Section 31(d) of the Act prior to the filing of a formal complaint. This section requires the Agency to inform you of the violations that are to be alleged and offer you the opportunity to meet with appropriate Agency officials within 30 days of this notice date in an effort to resolve such conflicts.

Please contact Stephen C. Ewart, Deputy Counsel, at 217/782-5544, within 7 days of the date of this letter if you wish to schedule such a meeting, or if you have any questions regarding this matter.

Your timely response to the Agency is essential in this matter to prevent additional civil penalties against your supply for past violations stated in this letter and to eliminated need for the USEPA action.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roger D. Selburg". The signature is fluid and cursive, with the first name "Roger" being more prominent.

Roger D. Selburg, P.E.  
Division Manager  
Division of Public Water Supplies

Enclosures

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**ENFORCEMENT NOTICE LETTER**

**BARRET'S MHP**

Winnebago County

Facility No. 2015235

IEPA/ENF. No. 497-93

bcc: Stephen C. Ewart, Deputy Counsel, IEPA  
Charles Bell, Manager, FOS, DPWS, IEPA  
Brett Hanson, Region 1, IEPA

# DRAFT

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Attachment A

Enforcement Notice Letter

Trichloroethylene Violations  
Barrett's Mobile Home Park  
Winnebago County  
Facility Number 2015235  
IEPA/Enf. No. 497-93

## **ATTACHMENT A** **TO ENFORCEMENT NOTICE LETTER**

The Barrett's Mobile Home Park public water supply has been and is currently in violation of the following:

1. The Illinois Environmental Protection Act, 415 ILCS 5/18 (1991) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1018]:
  - a. No person shall:
    1. Knowing cause, threaten or allow the distribution of water from any public water supply of such quality or quantity as to be injurious to human health; or
    2. Violate regulations or standards adopted by the Board under this Act; ...
2. The Illinois Environmental Protection Act, 415 ILCS 5/18 (1991) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1018] and 35 Ill. Adm. Code 611.311(c) – Exceeding the Maximum Contaminant Level ("MCL") of 0.005 milligrams per liter ("mg/L") for the volatile organic chemical contaminant, trichloroethylene. The annual running average for trichloroethylene in the water from your system is over 0.007 mg/L.
3. The Illinois Environmental Protection Act, 415 ILCS 5/18 (1991) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1018] and 35 Ill. Adm. Code 611.830 through 611.870—Failure to issue public notice after monitoring or MCL violations.
4. The Illinois Environmental Protection Act, Section 18, Ill. Adm. Code 607.104 and 653 subpart H. A cross-connection control ordinance has not been adopted and no acceptable cross connection control program is being implemented.

**LETTER OF COMMITMENT  
BARRETT'S MOBILE HOME PARK  
PUBLIC WATER SUPPLY  
TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

IEPA/ENF. NO. 497-93  
FACILITY NO. 2015235  
COUNTY OF WINNEBAGO

The **BARRETT's MOBILE HOME PARK** hereby commits to the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Agency") to take the following actions in order to achieve compliance with the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1-56.6 (1992) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001-1056.6], regulations governing public water supplies (35 Ill. Adm. Code Subtitle F ["Subtitle F"]) and the Agency's technical policy statements (35 Ill. Adm. Code 651-654), the Federal Safe Drinking Water Act, as amended ("SDWA"), 42 U.S.C. §§ 300f-300j-1 (1989), regulations promulgated thereunder, which provisions implement each and every part of this Letter of Commitment ("LOC").

**BARRETT's MOBILE HOME PARK** hereby commits to the Agency that it will complete each of the following within the time period provided in each section of this LOC:

1. Beginning immediately, **BARRETT's MOBILE HOME PARK** shall:
  - (a) collect quarterly samples of its water from the point of entry into the distribution system and shall have them analyzed for Trichloroethylene by a laboratory certified by the USEPA or the State of Illinois for analysis so as to determine the concentration of Trichloroethylene. Exceedance of the Trichloroethylene MCL shall be based upon the running annual average of four consecutive quarterly samples collected and analyzed in accordance with the standards analytical methods of Section 611.646. When the tests are finished by the certified laboratory, the results of the analysis shall be reported to IEPA, Compliance Assurance Section, Division of Public Water Supplies, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276, within 10 days of the receipt of each analysis.
  - (b) issue public notices required for violations of the Maximum Contaminant Level ("MCL") of 0.005 milligrams per liter ("mg/L") for the volatile organic chemical contaminant Trichloroethylene or when monitoring and testing violations for Trichloroethylene have occurred in accordance with 35 Ill. Adm. Code 611.830 through 611.870.
2. The Agency's Enforcement Notice Letter ("ENL"), dated August 19, 1993, identified certain violations of the Act and Subtitle F in Attachment A as revised. The specified violations are

listed in Attachment A are the subject of this LOC. **BARRETT's MOBILE HOME PARK** hereby commits to the Agency that it will complete each of the following within the time period in each subparagraph of this paragraph:

- (a) Within three (3) months of the date of this LOC, **BARRETT's MOBILE HOME PARK** shall:
    - (i) adopt a cross connection control ordinance and implement an acceptable cross connection control program. Illinois Environmental Protection Act, Section 18, Ill. Adm. Code 607.104 and 653 Subpart H.
3. Within one (1) month of the date of this LOC, **BARRETT's MOBILE HOME PARK** shall secure professional assistance of a registered professional engineer and other professionals whose services are needed to address compliance measures for Trichloroethylene and other measures requiring permits that are listed in paragraphs two, four, and five. **BARRETT's MOBILE HOME PARK** shall submit documentation of the employment of such engineer and other professionals to the Agency's Division of Public Water Supplies' Field Operations Section ("DPWS/FOS") upon the securing of the professional engineer's and other professional's services.
4. Within two (2) months of the date of this LOC, **BARRETT's MOBILE HOME PARK** shall submit to the Agency's DPWS/FOS, a **PRELIMINARY REPORT**, that shall describe in detail, the compliance measures that were investigated by **BARRETT's MOBILE HOME PARK** in order to bring the **BARRETT's MOBILE HOME PARK** public water supply into compliance with the maximum contaminant level("MCL") for Trichloroethylene and with the other State law and regulations whose violations were enumerated in the Attachment A of the ENL. **BARRETT's MOBILE HOME PARK** shall consider and investigate the measures for compliance with the Trichloroethylene MCL as follows:
  - (a) treatment technology,
  - (b) location of a new source,
  - (c) connection to another public water supply, and
  - (d) blending with an alternative source.
5. **BARRETT's MOBILE HOME PARK** shall identify the measure or measures in this **PRELIMINARY REPORT** that are necessary to bring **BARRETT's MOBILE HOME PARK** into compliance with State and federal law and regulations for the Trichloroethylene concentration in the finished water on or before October 1, 1994.
6. The Agency shall review the **PRELIMINARY REPORT** submitted by **BARRETT's MOBILE HOME PARK** including the compliance plan and compliance schedule outlined within it, and shall accept or reject the **PRELIMINARY REPORT**, the compliance plan and the compliance schedule. If the Agency rejects the **PRELIMINARY REPORT**, the Agency shall describe the deficiencies in detail. **BARRETT's MOBILE HOME PARK** shall have 30 days to make the

necessary changes from receipt of the Agency's description of the deficiencies. If **BARRETT's MOBILE HOME PARK** fails to provide a **PRELIMINARY REPORT** acceptable to the Agency, the Agency shall proceed with enforcement for violations of the Act and Subtitle F.

7. Within six (6) months after the date of this LOC, **BARRETT's MOBILE HOME PARK** shall submit to the Agency's DPWS/FOS, a **COMPLIANCE REPORT**, that shall describe in detail, the compliance measures including the design and construction measures that are necessary to bring the **BARRETT's MOBILE HOME PARK** public water supply into compliance with the maximum contaminant level ("MCL") for Trichloroethylene. In addition, **BARRETT's MOBILE HOME PARK** shall, at a minimum, include in its **COMPLIANCE REPORT**, a description of the compliance measures including any repair, replacement, design and construction measures that have been undertaken or are to be undertaken to bring those violations as specified in paragraph two, above, into compliance with the Act and Board and Agency regulations.
8. The dates for compliance in the **COMPLIANCE REPORT** shall be the shortest practicable time, but under no circumstances later than October 1, 1994 for compliance with the Trichloroethylene MCL and under no circumstances greater than one year of the date of this LOC for compliance with the other Board and Agency regulations specified in paragraph 2.
9. The **COMPLIANCE REPORT** shall contain milestones for each compliance measure including compliance with the Trichloroethylene MCL and any outstanding violations under paragraph two that are required to bring **BARRETT's MOBILE HOME PARK** into compliance including, but not limited to:
  - a. Dates of applications for all permits necessary for construction of installations changes or additions to the public water supply needed for achieving compliance with federal and State statutes and regulations;
  - b. Date for advertisements of bids for said construction;
  - c. Dates for initiation of construction allowed by the construction permits;
  - d. Dates for completion of said construction; and
  - e. Dates for achieving compliance with federal and State statutes and regulations.
10. **BARRETT's MOBILE HOME PARK** shall also submit with said **COMPLIANCE REPORT** a statement regarding the financial resources that are or may be available to bring **BARRETT's MOBILE HOME PARK'S** public water supply into compliance with all federal and State statutes and regulations, listed in this LOC.
11. **BARRETT's MOBILE HOME PARK** shall also submit every three (3) months after the date of the **COMPLIANCE REPORT** an updated **COMPLIANCE** or **PROGRESS REPORT** of sufficient detail to demonstrate the progress made by **BARRETT's MOBILE HOME PARK** in achieving the milestones and goals outlined in the first **PROGRESS REPORT**.

12. **BARRETT's MOBILE HOME PARK** understands that if further enforcement actions are pursued through the Office of the Attorney General for the violations listed on Attachment A of the ENL dated August 19, 1993, as amended, the Agency will request the Attorney General seek a monetary penalty of no less than **Five Thousand Dollars (\$5,000)** as an aid in the enforcement action for past violations up to and including the dates for compliance specified in this LOC. **BARRETT's MOBILE HOME PARK** further understands that it may be assessed a contingent penalty as set forth in Paragraph 14, below, of this LOC.
13. **BARRETT's MOBILE HOME PARK** understands that the Agency intends to file a case with the subject matter contained in the **PRELIMINARY REPORT**, the **COMPLIANCE REPORT**, and the **PROGRESS REPORT** and any of the updated **PROGRESS REPORTS** with the Attorney General to develop a Stipulation and Proposal for Settlement with the Illinois Pollution Control Board ("Board"). Within two (2) months of the date that the Agency or the Attorney General's Office provides **BARRETT's MOBILE HOME PARK** with a proposed Stipulation and Proposal for Settlement, incorporating in substance the **PRELIMINARY REPORT**, **COMPLIANCE REPORT** and any of the **PROGRESS REPORTS** to it with its compliance milestones or any reasonable modifications or additions or penalty assessments made thereto by the Agency after consultation with **BARRETT's MOBILE HOME PARK**, **BARRETT's MOBILE HOME PARK** shall mail to the Agency, c/o Division of Legal Counsel, the requested Stipulation signed by the owner of **BARRETT's MOBILE HOME PARK**. This two-month period may be extended by the Agency if requested in writing to allow for discussions over the terms of the pleadings. Once the stipulation is executed, it will be sent to the Board for acceptance and issuance of a Board Order.
14. **BARRETT's MOBILE HOME PARK** understands that this proposed Board Order will also include a requirement that **BARRETT's MOBILE HOME PARK** is to provide the Agency with **PROGRESS REPORTS** until compliance is achieved. Furthermore, the Board Order will include a contingent penalty of not less than **Five Hundred Dollars (\$500)** for each month or part of a month that the supply violates or continues to violate any compliance milestone in the Board order. No contingent penalty will be due if all compliance milestones are timely met.
15. After **BARRETT's MOBILE HOME PARK** signs the proposed Stipulation, **BARRETT's MOBILE HOME PARK** shall cooperate in a timely manner with the Illinois Attorney General's Office in the filing of the Complaint, Stipulation and proposed Board Order and in obtaining an Illinois Pollution Control Board Order incorporating in substance the **PROGRESS REPORT** or said reasonable modifications or additions thereto. (The terms of the Illinois Pollution Control Board Order and other pleadings are subject to review by the Illinois Attorney General's Office.)
16. Computation of any period of time prescribed by the LOC shall begin with the first business day following the day on which the act, event or development occurs and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or State or federal legal holiday.
17. Violation of the terms of this LOC shall subject **BARRETT's MOBILE HOME PARK** to an enforcement referral by the Agency to the USEPA for the issuance of an Administrative Order or the filing of a federal court complaint, or to the Illinois Attorney General's Office for appropriate enforcement action.



18. **BARRETT's MOBILE HOME PARK** acknowledges that if it violates the terms of this LOC without good cause, said violation shall constitute evidence of bad faith on its part, and said evidence may be presented to any court of law or the Illinois Pollution Control Board by the Illinois Attorney General's Office, the States Attorney's Office, the United States Department of Justice and/or the United States Environmental Protection Agency in any case brought against **BARRETT's MOBILE HOME PARK** concerning the **BARRETT's MOBILE HOME PARK** public water supply.
19. The filing of the Complaint and Stipulation with the Board and the obtaining from the Board an Order does not preclude the Agency from pursuing other violations of the Act or regulations as these violations may occur or be discovered in the future.

\* \* \*

IN WITNESS WHEREOF,

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 1993, in \_\_\_\_\_ County, Illinois.

\_\_\_\_\_  
Notary Public